

Court of Appeals, State of Michigan

ORDER

North Pointe Ins Co v Emanuel Steward

Docket No. 240125

LC No. 99-901524-CK

Richard A. Bandstra
Presiding Judge

Joel P. Hoekstra

Stephen L. Borrello
Judges

Pursuant to an order issued December 9, 2004, this matter has been remanded to us by the Michigan Supreme Court for plenary consideration and issuance of a published opinion.

Having reviewed the pleadings filed by the parties regarding taxation of costs pursuant to MCR 7.219(F)(2), we now believe that further written proofs and briefing are necessary before we can issue a published opinion on the matter as directed by the Michigan Supreme Court.

We direct plaintiff to submit written proofs regarding (1) whether its letters of credit issued by Comerica Bank were *necessary* to secure the \$2,325,000 appeal bond issued by Travelers Casualty and Surety Company of America, (2) whether the total cost of the bond premiums and the letters of credit was greater than the cost would have been for an uncollateralized bond, and (3) whether it incurred the full cost of the \$17,438 bond premium for the annual term February 20, 2004 to February 20, 2005, despite the fact that this Court's opinion was issued on March 4, 2004 and the parties stipulated to a discharge of the bond in early June 2004.

Plaintiff shall file the above proofs within 21 days of the Clerk's certification of this order. In addition to its proofs, plaintiff may file a supplemental brief, limited to ten pages, addressing the factual and legal issues. Defendants may file a responsive brief, limited to ten pages, within 7 days of the date of the proof of service of plaintiff's proofs and supplemental brief.

The question of oral argument is held in abeyance pending our review of the parties' written proofs and supplemental briefs.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 20 2005
Date

Sandra Schultz Mengel
Chief Clerk